

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Tribal Welfare Department – Appeal Petition filed by Akkudali Sankara Rao S/o Veeranna, R/o. Pathanaupada (V), Tellali (M), Srikakulam District, against the Proceedings Rc. No. 7469/97C1. dated: 28.07.2007 of the Collector, Srikakulam District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition rejected – Orders Issued.

SOCIAL WELFARE (CV-2) DEPARTMENT

GO.Ms.No. 5

Dated: 30-01-2013.
Read the following:

1. Proceedings of the District Collector, Srikakulam, 7469/97 C1, dt. 28.7.2007.
2. Appeal Petition filed by Sri. Akkudali Sankara Rao S/o Veeranna, Srikakulam District, dt. 28.08.2007.
3. Govt. Memo No. 5971/CV.2/2007, dt. 12.09.2007.
4. From the orders of the APHC in WP No. 20272/2007 dated: 24.9.2007 filed by Sri. Akkudali Sankara Rao.
5. From the District Collector, Srikakulam, Rc No. 7469/1997 C1 Dated 2.2.2008.
6. Govt. Memo No. 5971/CV.2/2007, dt. 20.10.2012.
7. Govt. Memo No. 5971/CV.2/2007, dt. 21.11.2012.
8. From the CCLA, D.O.Lr No. X1/1215/2005 dt: 20.11.2012.

ORDER:

In the reference 1st read above the District Collector, Srikakulam has issued Proceedings canceling Scheduled Tribe Certificate of Sri Akkudali Sankara Rao S/o Veeranna, Srikakulam District, obtained from the then Tahsildar, Tekkali.

2. In the reference 2nd read above, Sri Akkudali Sankara Rao S/o Veeranna, Srikakulam District, has filed Appeal Petition before the Government against the Proceedings of the District Collector, Srikakulam. After careful examination of the said Appeal Petition Government have admitted the Appeal Petition and stay orders as requested by the applicant were rejected and called for the parawise remarks and connected records from the District Collector, Srikakulam in the reference 3rd read above.

3. Sri Gopidalai Srinivasa Rao S/o Late Tatanna has filed WP No. 20272/2007 before the Hon'ble High Court of A.P. against the Govt. Memo. No. 5971/CV.2/2007, dated 12.09.2007 wherein the stay on the Proceedings of the District Collector, Srikakulam, has been rejected. In the reference 4th read above, the Hon'ble High Court of AP while disposing off the said WP on 24.09.2007 has passed stay orders on the proceedings dt: 9.9.2006 of the District Collector, Srikakulam pending finalization of the Appeal and directed the 1st respondent (Prl. Secretary, TW) to proceed with appeal pending on its file.

4. In the reference 5th read above, the District Collector, Srikakulam has furnished the original connected records of Sri Akkudali Sankara Rao S/o Veeranna, Srikakulam District.

[p.t.o....]

5. The said Appeal Petition has been posted for hearing on 24.09.2008, 25.06.2010, 30.10.2012, finally on 03.12.2012 and the same has been informed to the appellant, counsel for the appellant with a request to attend the hearing of the case with all documentary evidences/ certificates in favour of his community claim in the references 6th, 7th read above. The Advocate for Appellant was present and argued the case and explained his community status.

6. After examination of records / copies of evidences/academic record/Copies of the Documents furnished by the Appellant / Citations of the Hon'ble Courts made available in the file and proceedings of the District Collector, Srikakulam, dated 28.07.2007, it is observed that the Field Level Officers/ District Collector have examined the matter in detail, as per the rules and instructions issued by the Government from time to time, which are in vogue. The enquiry reports and the School records reveals that the appellants family is known as Vaddi Caste(BC.A) but not Benthoriya Caste-ST. It is noticed that the appellant could not produce any documentary evidence of himself or his family members Viz., Electoral Rolls, Extracts of Births & Deaths Register of prior to the year 1951, which are crucial, as per rules, to decide one's Benthoriya Caste-ST. On perusal of the records and other material papers placed before the Government and the Appellate Authority is of the opinion that no fresh grounds have been educed by the Appellant. He failed to produce any further evidence to prove his caste as Benthoriya (ST) Community and the District Collector, Srikakulam has adjudged the case in all possible angles, within the Rule frame of such cases and issued orders in Rc. No. 7469/97 C1, dt.28.7.2007, canceling the "Benthoriya" Scheduled Tribe Caste Certificate, issued in favour of the Appellant by various Revenue authorities.

7. The Government, after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the appeal petition filed by Sri Akkudali Sankara Rao S/o Veeranna, Srikakulam District, does not deserve any interference. Hence, Proceedings of the District Collector, Srikakulam issued vide Rc. No. 7469/97 C1, dt.28.7.2007 is hereby upheld and the Appeal Petition of Akkudali Sankara Rao S/o Veeranna, Srikakulam District, is hereby rejected and the Certificate issued by the M.R.O., Tekkali deemed to be cancelled.

8. The District Collector, Srikakulam shall take necessary consequential action in the matter.

9. The records (containing (i) Rc.No. 7469/97 Pp 01 to 26 NF and 01 to 380 CF (Vol-I) (ii) Rc.No.7469/97 C1, Pp 381 to 540 CF (Vol-II) received from the District Collector, Srikakulam, through reference 5th read above, are returned herewith in original to the District Collector, Srikakulam and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)

To
The District Collector, Srikakulam (BYRPAD) (w.e)
(With original records)
Sri Akkudali Sankara Rao S/o Veeranna, Srikakulam District,

[contd...2]

Sri M.Ravindranath Reddy, Advocate, 203,
Lingapur House, Himayat Nagar, Hyderabad-29.

Copy to:

The Commissioner of Tribal Welfare, AP, Hyderabad.
The Chairman, Visakhapatnam Port Trust, Visakhapatnam.
The P.S. to Minister (TW)
The P.S. to Principal Secretary (TW)
The Director, TCR &TI, AP., Hyderabad.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER